

AMENDMENTS TO THE CLAIMS

1. (currently amended) A method for job-based budget management of a business, the method comprising:

providing a plurality of ~~virtual~~ spending accounts ~~with virtual balances~~

corresponding to an actual account, each of said plurality of spending accounts comprising a balance, wherein said balance comprises a fraction of total funds available from said actual account;

maintaining a user-defined numerical spending limit for each of the plurality of ~~virtual~~ spending accounts;

allocating at least one transaction to ~~an appropriate virtual spending account~~
~~selected from the~~ at least one of the plurality of ~~virtual~~ spending accounts;
and

automatically adjusting the ~~virtual~~ balance of the at least one of the plurality of
spending accounts in real time ~~balances of said spending accounts~~
according to the allocated transaction.

2. (currently amended) The method of claim 1 wherein ~~said~~ the at least one transaction is automatically synchronized with ~~at least one~~ the actual account.

3. (currently amended) The method of claim 1 wherein the plurality of ~~said virtual~~ spending accounts are displayed in a graphical format.

4. (currently amended) The method of claim 1 wherein the ~~said~~ method is performed using wireless communication.

5. (currently amended) The method of claim 1 wherein the at least one ~~said~~ transaction is transmitted both on-line and off-line.

6. (original) The method of claim 1 further comprising providing for the submission of invoices.

7. (original) The method of claim 1 further comprising providing for the submission of purchase orders.

8. (original) The method of claim 1 further comprising providing for the submission of time sheets.

9. (original) The method of claim 1 further comprising processing a payroll.

10. (currently amended) The method of claim 1 further comprising automatically creating ~~a virtual job~~ at least one spending account upon approval of a job quote.

11. (currently amended) The method of claim 1 further comprising automatically paying the at least one ~~said~~ transaction on-line.

REMARKS

Claim Rejections under 35 U.S.C. § 101.

Claims 1-11 stand rejected under 35 U.S.C. § 101 ("Section 101") because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner asserts that claims 1-11 recite only an abstract idea.

Applicant respectfully submits that claims 1-11, as amended, satisfy the requirements for statutory subject matter under Section 101. Specifically, a rejection of a claim for recitation of an abstract idea is only appropriate "when the claim is devoid of any limitation to a practical application in the technological arts." MPEP § 2106(II)(A). Moreover, "only one [asserted practical application] is necessary to satisfy the utility requirement." *Id.*

Applicant's claim 1, as amended, recites "automatically adjusting the balance of the at least one of the plurality of spending accounts in real time." This limitation may be applied in any environment capable of tracking account information in real time, including a personal computer, a laptop computer, PDA, mobile phone, smart phone or other computer-type device. See Specification, p. 6, ln. 16-19.

As such automated environments satisfy the requirement that the invention be useful in the technological arts, and as claims 2-11 add further limitations to otherwise allowable subject matter, Applicant respectfully requests withdrawal of the rejections of claims 1-11 under Section 101.

Claim Rejections under 35 U.S.C. § 112.

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph ("Section 112") for being indefinite for failing to particularly point out and distinctly claim the subject matter which

Applicant regards as the invention. Specifically, claim 1 stands rejected because “said spending accounts” lacks antecedent basis and does not make clear to which spending accounts it refers.

In response, Applicant has amended claim 1 to clarify the meaning of “said spending accounts” by removing reference to “an appropriate virtual spending account.” Applicant respectfully requests withdrawal of the rejections of claims 1-11 under Section 112 in light of this clarification.

Claim Rejections under 35 U.S.C. § 103.

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) (“Section 103”) as unpatentable over the virtualpayroll.com article (hereafter the “Article”).

An invention is unpatentable under Section 103 “if the differences between the subject matter sought to be patented over the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.”

To establish a *prima facie* case of obviousness, three criteria must be met. “First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142.

“Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination.” *In re John R. Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Any such suggestion must be “found in the prior art, and not based on applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 493 (Fed.

Cir. 1991).

A “clear and particular” showing of the suggestion to combine is required to support an obviousness rejection under Section 103. *Id.* For the reasons set forth below, Applicant submits that the prior art fails both to teach or suggest all the claim limitations, and to clearly and particularly suggest the combination indicated by the Examiner; thus, Applicant’s claims are not obvious in view of the prior art references.

Applicant’s claim 1, as amended, recites “automatically adjusting the balance of the at least one of the plurality of spending accounts in real time according to the allocated transaction.” Applicant finds no mention or suggestion of this limitation in the cited reference, nor any equivalent thereof. Applicant thus respectfully submits that the present invention is not obvious in view of such reference.

The Article teaches an internet-based payroll service provider offering direct deposit of employee paychecks, electronic tax filing of employer’s federal 941 deposits, all state and federal tax returns, payroll management reports, and employee paystubs online. Article, p. 1. Specifically, the Article discloses an interactive payroll account management system that provides both disintermediation and mass customization.

The Article, however, fails to teach or suggest automatically adjusting the balance of the account in real time, as presently claimed. Rather, the Article discloses “a 24 hour input cycle, your payroll data is available 24 hours later, and your direct deposit is available 48 hours after input.” See Article, Section E, Question 5. The Article neither mentions or suggests adjusting payroll data to reflect the results of a transaction in real time.

The Article, moreover, discloses an invention that solves a problem distinct from the problem solved by the present invention. Indeed, the present invention relates to a general

budgeting and management system for a business. Specifically, the present invention seeks to overcome the problems caused by a business that experiences a high level of financial volatility within the course of a business day to enable a businessman to make educated financial decisions quickly based on accurate information. Indeed, the present invention overcomes this problem by providing accurate account and budget related information to a business in real time.

The Article, on the other hand, is specifically directed to payroll processing. As a result, the Article emphasizes the ability of the payroll system disclosed therein to provide interactivity, disintermediation, and mass customization. Although each of these features is beneficial to a payroll system, none is particularly relevant to general budgeting and management of business related finances. Moreover, the Article neither mentions nor suggests a payroll system capable of providing updated data in real time. One skilled in the art would not be motivated by the Article to modify the invention therein to provide and adjust payroll data in real time as payroll accounts are generally both predictable and unchanging, and particularly because the Article fails to suggest any advantage to real time payroll data availability.

Claims 2-11 add further limitations to otherwise allowable subject matter and thus would also be non-obvious to one skilled in the art.

In light of the foregoing, Applicant respectfully submits that the rejection of claims 1-11 under Section 103 constitutes an improper rejection based on hindsight. Specifically, Applicant submits that because the prior art fails to teach or suggest all of the claim limitations, and because one skilled in the art would not be motivated by the Article to modify the invention therein to produce the present invention, that the present invention is not obvious in view of the prior art. Accordingly, Applicant respectfully requests that the rejection of claims 1-11 be withdrawn under Section 103.